

321 CMR 2.00: MISCELLANEOUS REGULATIONS RELATING TO FISHERIES AND WILDLIFE

Section

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321 CMR 2.01(4)

2.01: Retriever or Bird Dog Trials in Massachusetts

(4) No club or organization shall liberate any pheasant, quail, chukar partridge, mallard duck, or other game bird unless said club or organization possesses a permit from the Director so to do, and unless any pheasant or quail so liberated has been individually tested within six months, or the parent flock tested within one year, and certified by the Department of Agricultural Resources as free of salmonella pullorum as required in the official Massachusetts pullorum passed grade for poultry, or any transmissible poultry disease by the animal science department of the University of Massachusetts, or shall have been so certified by a corresponding agency or official of another state. No individual, club or organization shall import any game bird unless said individual, club or organization possesses a permit from the Director so to do.

321 CMR 2.02(1)

2.02: Permits to Take or Possess

(1) Definitions. For the purposes of 321 CMR 2.02, and unless the context requires otherwise, the following words shall have the following meanings:

Board means the Fisheries and Wildlife Board established pursuant to M.G.L. c. 21, § 7.

Director means the Director of the Division of Fisheries and Wildlife.

Person means any named individual, partnership, corporation, whether profit or non-profit, firm, business, or other commercial or non-commercial entity, club, organization, or association.

321 CMR 2.04(1)

2.04: Salvage, Disposition and Possession of Deer Killed by Means Other than by Sport Hunting

(1) Purpose: The purpose of 321 CMR 2.04 is to provide a procedure for the salvage, disposition and utilization of deer killed by means other than by sport hunting and to thereby eliminate or reduce the wastage of edible meat or specimens for scientific study. No person, except as provided in 321 CMR 2.04, shall take, transport, or possess a salvageable deer as defined in 321 CMR 2.04(2).

(2) Definitions. For the purposes of 321 CMR 2.04, the following words or phrases shall have the following meanings:

Approved Organization: Any non-profit Massachusetts sportsman's club, civic organization, church, synagogue or other religious entity, museum, natural history association, or similar non-profit organization.

Director: The Director of the Division of Fisheries and Wildlife, or his or her agents.

Eligible Person: The driver of the motor vehicle which collided with a salvageable deer, or any passenger in such vehicle, provided that such person shall be domiciled in Massachusetts.

Environmental Police Officer or EPO: The Director of the Office of Law Enforcement, deputy directors of enforcement, chiefs of enforcement, deputy chiefs of enforcement, environmental police officers, and such other enforcement officers of the Office of Law Enforcement as may be appointed pursuant to M.G.L. c. 21, § 6.

Salvage: The lawful rendering into possession of a salvageable deer by an eligible person in accordance with provisions of 321 CMR 2.04.

Salvageable Deer: Deer killed by collision with a motor vehicle on a Massachusetts way, or by being seriously injured by such collision and subsequently killed at the scene of the collision by a law enforcement officer.

(3) Upon the killing of a salvageable deer, an eligible person who intends to salvage the deer shall immediately, upon taking the carcass of the deer into his possession, notify the Office of Law Enforcement (1-(800) 632-8075) of such intent and shall report to said Office his name and address and the date, place, and time of the killing of the deer. In the event that the Office of Law Enforcement cannot be so contacted, the eligible person shall immediately notify the municipal police in which the deer was killed, or the nearest State Police Barracks, and shall request that such police log the incident, including the name and address of the eligible person and the date, place, and time of the killing of the deer.

(4) Within 24 hours after the killing of a salvageable deer, the eligible person shall transport the carcass of the deer to an installation or field office of the Division of Fisheries and Wildlife or of the Office of

Law Enforcement, or, if so directed when reporting as specified in 321 CMR 2.04(3), to an Environmental Police Officer at such place and time as the EPO shall specify. The EPO or official agent in charge of the installation or field office shall cause the deer to be tagged with an official seal and shall complete and issue to the eligible person a permit which shall be issued at no charge and which shall allow him to possess and transport the salvageable deer. The official seal shall remain attached to the deer carcass while the carcass is being transported and until the carcass is butchered or otherwise prepared for food purposes. The eligible person shall retain the permit until all edible parts of the deer shall have been consumed.

(5) Deer or parts thereof salvaged under provisions of 321 CMR 2.04 shall not be sold, bartered, or exchanged for consideration, provided that nothing in 321 CMR 2.04(5) shall be deemed to preclude the retention for personal use by an eligible person of the head, hide, hooves, and shinbones of such salvageable deer as he shall have been permitted to possess. In the event that the salvageable deer shall be disposed of in accordance with 321 CMR 2.04(6)(a) to an approved organization for a game dinner or similar purpose, it shall be understood that any charge or fee requested by such approved organization shall be considered a donation to the organization and not a charge or fee

(6) In the event that an eligible person does not desire to salvage a salvageable deer, or if the deer is killed by a motor vehicle of which the driver and any passenger is not an eligible person, the deer may be disposed of in the following manner:

(a) by an Environmental Police Officer, who may dispose of the deer to any approved organization or to any person domiciled in Massachusetts who is otherwise ineligible under provisions of 321 CMR 2.04(3), provided that any deer so disposed of shall be tagged and a permit issued as specified in 321 CMR 2.04(4). The permit shall be issued in the name of the approved organization or person receiving the deer and shall, if applicable, also bear the name and address of a principal officer of the approved organization. Deer which shall be inedible or otherwise unsuited for salvage shall be disposed of by lawful burial or incineration or as otherwise ordered by the Director or the Director of the Office of Law Enforcement; or,

(b) by employees of a city or town or of the Department of Transportation, by burial or incineration in accordance with such permit or authorization as shall have been issued by the Director, or by disposition to such person or approved organization as shall be approved by the Director or an Environmental Police Officer; or,

(c) in the event that an Environmental Police Officer shall come into possession of a deer other than a salvageable deer or a deer which has been lawfully killed and tagged in accordance with provisions of 321 CMR 3.02(4), such EPO may dispose of the deer in accordance with provisions of 321 CMR 2.04(6)(a).

321 CMR 2.05(2)

2.05: Commercial Shooting Preserves

(2) Definitions.

Director means the Director of the Division of Fisheries and Wildlife, or his or her agents. Environmental Police Officer means the Director of the Office of Law Enforcement, deputy directors of enforcement, chiefs of enforcement, deputy chiefs of enforcement, environmental police officers, and such other enforcement officers of the Office of Law Enforcement as may be appointed pursuant to M.G.L. c. 21, § 6.

Gender means, unless the context requires otherwise, that words importing the masculine gender shall include the feminine and neuter.

Permit means a permit to operate a commercial shooting preserve, including both Class A and Class B preserves, issued pursuant to M.G.L. c. 131, § 31.

Person means any individual, partnership, corporation, whether profit or non-profit, firm, business or other commercial or non-commercial club, organization, or association.

321 CMR 2.05(14)

Importation and Liberation Requirements.

- (a) When importing game birds, a permittee shall obtain an importation permit and otherwise comply with the relevant provisions of M.G.L. c. 131, § 19A and 321 CMR 2.15.
- (b) A permittee shall not be required to obtain a liberation permit to liberate on a commercial shooting preserve those game birds specified in 321 CMR 2.05(15), provided that the permittee complies with 321 CMR 2.05(14)(c).
- (c) No game bird shall be imported or liberated unless it has been certified by the Department of Agricultural Resources that it has been individually tested within the past six months, or the parent stock tested within the past one year, and found free of salmonella pullorum as required in the official Massachusetts pullorum passed grade for poultry or of any transmissible poultry disease by the veterinary department of the University of Massachusetts, or shall have been so certified by the corresponding official of another state.
- (d) A Class A permittee shall, during the first year of operation, liberate at least 500 game birds as listed in 321 CMR 2.05(15), singly or in the aggregate, per 100 acres of preserve annually between January 1 and the following December 31. A Class A permittee shall, during the second and subsequent years of operation, liberate at least 1000 game birds as listed in 321 CMR 2.05(15), singly or in the aggregate, per 100 acres of preserve annually between January 1 and the following December 31.
- (e) A Class B permittee shall liberate at least 200 game birds as listed in 321 CMR 2.05(15), singly or in the aggregate, per 100 acres of preserve annually between September 15 and the following March 31.

321 CMR 2.07

2.07: Possession, Sale, and Use of Ferrets

In accordance with the provisions of M.G.L. c. 131, § 77, as amended by St. 1995, c. 290, rules and regulations regarding the possession, sale, and use of ferrets are hereby established.

(1) Definitions.

Director means the Director of the Division of Fisheries and Wildlife, or his or her agents. .
Educational institution means a person meeting those standards for educational use specified in 321 CMR 2.12(2) and (10)(b).

Environmental Police Officer means the Director of the Office of Law Enforcement, deputy directors

of enforcement, chiefs of enforcement, deputy chiefs of enforcement, environmental police officers, deputy environmental police officers, and such other enforcement officers of the Office of Law Enforcement as may be appointed pursuant to M.G.L. c. 21, § 6.

Ferret means the ferret, fitch, or fitchew (*Mustela furo* or *Mustela putorius furo*).

Person means any individual, partnership, corporation, whether profit or non-profit, firm, business or other commercial or non-commercial entity, club, organization, institution, or association.

Pet shop means a pet shop as defined in M.G.L. c. 129, § 1.

Received inoculations against canine distemper and rabies means that the subject ferret shall have received a minimum of the first shot in the inoculation series for those diseases and such others as may be required by the Director, provided that the subject ferret shall subsequently receive the remainder of the inoculation series, if any, and shall periodically receive any required booster shots or reinoculations, if any, and provided further that the burden of proof shall rest upon the owner thereof to demonstrate that such requirements for periodic shots or inoculations have been complied with. The earliest date at which said inoculations may begin shall be determined by the schedule set forth on the manufacturer's label or instructions for the particular vaccine being used, or equivalent standards set by a competent veterinary authority.

Research institution means a person meeting those standards for scientific use specified in 321 CMR 2.12(2) and (10)(a).

321 CMR 2.08

2.08: Use of Certain Traps for the Taking of Fur-bearing Mammals

(1) Definitions: for the purposes of 321 CMR 2.08, the following words and phrases have the following meanings:

Agriculture or Agricultural Use means farming or agriculture as defined in M.G.L. c. 111, § 1. Cage or

Box Type Trap means a trap that confines the whole animal without grasping any part of the animal.

Conibear Type Trap means "Conibear" model traps and similar body-gripping traps and devices, whether or not enclosed in or comprising part of a box, tube, or other enclosing device.

Department of Environmental Protection means the Department of Environmental Protection within the Executive Office of Energy and Environmental Affairs, as provided for in M.G.L. c. 21A, § 7.

Department of Public Health means the Department of Public Health within the Executive Office of Health and Human Services, as provided for in M.G.L. c. 6A, § 7G.

Director means the Director of the Division of Fisheries and Wildlife, as provided for in M.G.L.

c. 21, § 7G.

Division means the Division of Fisheries and Wildlife within the Department of Fish and Game, as provided for in M.G.L. c. 21A, § 8.

Federal Department of Public Health means the United States Public Health Service.

Fur-bearing Mammals means all mammals in the Class Mammalia, as defined in M.G.L. c. 131, § 1.

Municipal Board of Health means a board of health as defined in M.G.L. c. 111, § 1.

Municipal Conservation Commission means a conservation commission as provided for in M.G.L. c. 40, § 8C, provided that, if a town or city does not have a conservation commission, the authority thereof shall be exercised by the board of selectmen in a town or the mayor in a city.

Permissible Traps means cage or box type traps, common type mouse and rat traps, and net traps.

Prohibited Traps means all traps used for the capture of fur-bearing mammals except cage or box type traps, common type mouse and rat traps, and net traps.

Restricted Traps means conibear type traps.

321 CMR 2.10

2.10: Issuance of Permits to Expose Poisons for the Control of Mammal and Bird Species not Protected by Federal or State Statutes

(1) Definitions:

(a) Avitrol® means a brand of 4-aminopyridine, a bird management chemical registered as a flock-frightening repellent.

(b) Board means the Fisheries and Wildlife Board as constituted in M.G.L. c. 21, § 7.

(c) Director means the Director of the Division of Fisheries and Wildlife or his or her agents.

(d) Orchard means a cultivated aggregate of fruit-producing trees or shrubs.

(2) Exposing of Poisons. No poisons or registered frightening agents shall be exposed for the control of bird or mammal species not protected by state or federal law, except as provided for in M.G.L. c. 131,

§ 43 or 321 CMR 2.10. Avitrol® may be used in accordance with 321 CMR 2.10 for repelling or frightening crows, blackbirds, pigeons, and gulls.

(3) Permits. No person, except as otherwise provided by law, shall place or expose poisons or registered frightening agents for the purpose of killing or frightening wild birds or mammals without obtaining from the Director a permit so to do, the cost of which shall be determined annually by the commissioner of administration pursuant to M.G.L. c. 7, § 3B.

(4) Issuance of Permits.

(a) Permits may be issued to the owner or agents of forest plantations or orchards to place poison for the extermination of rats, mice, and other pests of like nature, upon written request stating the specific area involved, toxicant, bait, and period of time during which such work will be conducted, in connection with public health and safety, the suppression of ticks and other animals or pests which may constitute a public nuisance, protection of wild birds and mammals, and purposes of a like nature.

(b) For the purposes stated in M.G.L. c. 131, § 43 and 321 CMR 2.10, permits may be issued to agents of the U.S. Department of the Interior, the U.S. National Biological Service, and the U.S.D.A. Animal and Plant Health Inspection Service.

(c) For the purposes of M.G.L. c. 131, § 43 and 321 CMR 2.10, permits may also be issued to commercial pest control operators, employees of the Commonwealth, or employees of political subdivisions of the Commonwealth, when in conformance or with the approval of the Massachusetts Department of Agricultural Resources and rules and regulations thereof.

(d) All persons must be certified by the Massachusetts Pesticide Board either as a private applicator in case of persons described in 321 CMR 2.10(4)(a), or a commercial applicator (subcategory vertebrate) in the case of persons described in 321 CMR 2.10(4)(c).

(e) Notwithstanding the provisions of 321 CMR 2.10(4)(d), the director may issue permits for the use of Avitrol® as a frightening or repelling agent to any person otherwise authorized by the Department of Agricultural Resources. Such permit shall authorize the use of Avitrol® only on the property of the permittee.

(f) A person holding a permit issued under 321 CMR 2.10 must be in direct and constant charge of any applications made under such a permit and must adhere to all rules and regulations of the Department of Food and Agriculture and 321 CMR 2.10.

(5) Duration and Time Limits of Permits. Permits shall allow exposure of poison for the control of birds only for the period specified therein: which period or any part thereof may not be between March 15 and the following November 15; except that, the Director may authorize the placement of Avitrol® or of certain poisons on specific bait materials in specific situations provided that in his judgment sufficient scientific evidence has been presented to show that such placement will not be hazardous to migratory birds or other wildlife. Permits to expose poisons for the control of mammals shall be for such period as specified by the director, in conformance with M.G.L. c. 131, § 32. All permits may be revoked for cause at any time by the Director.

(6) Materials Which May be Used Under Permits.

(a) All materials used under a permit issued pursuant to 321 CMR 2.10 must be registered with the Food Protection Program, in the Bureau of Environmental Health, Department of Public Health, or the Massachusetts Pesticide Board, Department of Agricultural Resources, when so required by law; and, in addition,

(b) only such materials as may be approved by the Director may be used under these permits.

(c) The use of all materials approved under 321 CMR 2.10(6)(a) and (b) must be in conformance with any instructions therefor issued by the manufacturer thereof and with any added restrictions,

conditions, or standards which may be placed on such use by the Director in order to protect migratory birds or other wildlife or components of the environment.

321 CMR 2.12(2)

2.12: Artificial Propagation of Birds, Mammals, Reptiles, and Amphibians

(2) Definitions. For the purposes of 321 CMR 2.12, the following words have the following meanings:

Animals means any undomesticated bird, mammal, reptile or amphibian, that is not the product of hybridization with a domestic form and not otherwise contained in the exemption list found at 321 CMR 9.01: *Exemption List*.

Class 4 - Class 8 Licenses means respectively licenses issued under authority of clauses 4 through 8, M.G.L. c. 131, § 23.

Director means the Director of the Division of Fisheries and Wildlife, or his or her agents.

Educational Use means a use or uses as contained in a course of training, of any extent or duration, and which pertains to the acquisition, development, or maintenance of a person's moral, intellectual, vocational, and physical faculties, insofar as such course of training shall relate to fisheries or wildlife, and the habitats, ecological relationships, or the environment thereof.

Environmental Police Officer means the Director of the Office of Law Enforcement, deputy directors of enforcement, chiefs of enforcement, deputy chiefs of enforcement, environmental police officers, and such other enforcement officers of the Office of Law Enforcement as may be appointed pursuant to M.G.L. c. 21, § 6.

Person means an individual, corporation, partnership, trust, association or other private entity or any officer, agent, department or instrumentality of the federal government or any state or its political subdivisions, including but not limited to any agency, department, board, commission or authority thereof.

Scientific Use means a use or uses concerned with the classification, formulation, verification, and documentation of various natural laws, principles, and events by induction, deduction, hypothesis, and experimentation, including, but not limited to, the collection, analysis, propounding, and display of data, whether written, recorded or otherwise, and of artifacts, specimens, and similar physical samples, and shall further relate generally to the physical world and its associated phenomena, and specifically to those branches of systematized knowledge categorized as zoology, botany, ecology, wildlife management, fisheries management, medicine, and veterinary medicine, or such other skills and disciplines which shall require such use or uses.

Wild Animal Farm means a person licensed pursuant to 321 CMR 2.12(10)(d).

Zoo means a permanent site or a permanent location where a collection of living nondomesticated animals are maintained for regular exhibition to the public.

(3) Licenses. Unless otherwise provided by law, it is unlawful for any person to possess, maintain, propagate or cultivate, sell or offer to sell any animal without having a valid license issued to them by the Director in one of five classes.

(a) A class 4 propagator's license authorizes a person to possess, maintain, propagate, buy, sell or otherwise lawfully dispose of specified birds, mammals, reptiles or amphibians. A Class 4 license may, in addition and as a condition of the license, allow the liberation and recapture of bobwhite quail or ring-necked pheasant for the sole purpose of training dogs.

(b) A class 5 public stocking license (including a Class 5 special propagator's license) authorizes any individual, club or association to possess, maintain and propagate birds or mammals for the sole purpose of liberation into covers open for public hunting. A Class 5 public stocking license may be issued as a Letter Permit in accordance with M.G.L. c. 131, § 4(2) and 321 CMR 2.02 but shall otherwise conform to the requirements of 321 CMR 2.12.

(c) A class 6 dealer's license authorizes a person to possess or maintain for food purposes, and to purchase, sell, offer to sell, barter, offer to barter, or conduct commercial transactions of any nature, fish, birds, or mammals which have been lawfully imported into Massachusetts or lawfully propagated within Massachusetts, provided that dealing in fish shall be in accordance with 321 CMR 4.09: *Propagation, Culture, Maintenance and Sale of Protected Freshwater Fish*. A class 6 dealer's license issued for purposes other than human food shall be issued at the discretion of the director, and the director shall not issue such permit unless, in his discretion, such permit is in the public interest and is not detrimental to the fish and wildlife resources of Massachusetts or the populations of the fish and wildlife proposed for the license, wherever found. When a fish, bird, or mammal proposed for licensing closely resembles a fish, bird, or mammal not so proposed, or for which a license may not be issued, or which derives from a source not authorized pursuant to 321 CMR 2.12(16)(a), the director may consider such similarity of appearance as constituting an adverse or detrimental effect on such protected or non-licensed fish, birds, and mammals, or on the enforcement of laws relating to the conservation and management of the same, and may deny the license on such basis.

321 CMR 2.12(16)

(16) Restrictions. Applications for a license issued pursuant to 321 CMR 2.12(3) shall comply with the following restrictions.

(a) Animals may be procured in the following manner only:

1. lawfully propagated, harvested, or taken outside of Massachusetts; or
2. lawfully propagated within Massachusetts; and
3. unless otherwise provided for by the Director, animals taken from the wild within Massachusetts may not be propagated, cultivated or maintained for purposes of sale pursuant to M.G.L. c. 131, § 23.

(b) Birds and mammals possessed and maintained under authority of a class 5 license shall be liberated into the wild within one year under the supervision of and in covers approved by the Director.

(c) Birds and mammals sold for food purposes must first be killed and to each carcass or part thereof shall be attached a tag furnished by the Director at a cost to the licensee established by the Executive Office of Administration and Finance. This tag shall remain on the carcass or any portion thereof until the bird or mammal is prepared for consumption.

(17) Conditions. The Director may at any time, in writing, establish conditions or restrictions to a license issued pursuant to 321 CMR 2.12(3) if, in his opinion, the conditions or restrictions are necessary for the preservation and protection of the health, welfare or safety of the citizens of Massachusetts or of the animal.

(18) Agreement. All licenses issued pursuant to 321 CMR 2.12(3) shall be signed by the licensee and such signature shall constitute:

(a) an agreement by the licensee to fully comply with all relevant provisions of law including but not limited to M.G.L. c. 131, c. 131A, 321 CMR, and all applicable conditions and restrictions of the

license;

(b) an agreement by the licensee to allow inspections at reasonable times of the premises where the animals are kept by the Director or by an Environmental Police Officer of the Office of Law Enforcement; and

(c) liability agreement.

321 CMR 2.13(1)

2.13: Wildlife Rehabilitation

(1) Purpose. The purpose of 321 CMR 2.13 is to provide for the care of sick, injured, debilitated, and orphaned wildlife by trained wildlife rehabilitators and to provide criteria for the issuance of permits to such wildlife rehabilitators. In accordance with M.G.L. c. 131, § 4, wildlife rehabilitators issued permits pursuant to 321 CMR 2.13(11) or 2.13(14), or persons exempted from the permit requirement pursuant to 321 CMR 2.13(15), may acquire sick, injured, debilitated, or orphaned wildlife and provide necessary care and treatment so that the animal may be returned to live in the wild independent of human aid and sustenance. Nothing in 321 CMR

2.13 shall authorize or be construed to authorize a wildlife rehabilitator permitted under 321 CMR 2.13(11) or 2.13(14) to practice veterinary medicine contrary to M.G.L. c. 112.

(2) Definitions. For the purposes of 321 CMR 2.13 and unless the context requires otherwise, the following words or phrases shall have the following meanings:

At or near the point of capture means a location within five miles of the point of capture, or within the same county in which the permittee maintains facilities inspected and approved pursuant to 321 CMR 2.13(16), provided that in the case of a permittee whose inspected and approved facilities are located in Suffolk County "at or near the point of capture" shall further include any county which borders on Suffolk County.

Contact: shall include, but not be limited to, physical contact between the public and wildlife, including the unauthorized provision of food and liquids, and also visual, auditory, or olfactory contact between the public and wildlife which may cause or result in subjecting the wildlife to stress, behavioral anomalies including taming or imprinting, or in any diminishment of the capacity of such wildlife to subsequently survive in the wild independent of human aid and sustenance.

Director: the Director of the Division of Fisheries and Wildlife, or his or her agents.

Division: the Massachusetts Division of Fisheries and Wildlife.

Emergency Basis means the rehabilitation of six or less animals per calendar year.

Environmental Police Officer: the Director of the Office of Law Enforcement, deputy directors of enforcement, chiefs of enforcement, deputy chiefs of enforcement, environmental police officers, and such other enforcement officers of the Office of Law Enforcement as may be appointed pursuant to M.G.L. c. 21, § 6.

Person: any individual, partnership, profit or non-profit corporation, firm, business or other commercial or non-commercial entity, club, organization, or association.

Promptly released means for birds a period not to exceed 90 days from the time of acquisition, and for mammals, a period not to exceed one year (365 days) from the time of acquisition.

Public includes, but is not limited to, all persons other than wildlife rehabilitators permitted under 321 CMR 2.13(11) and 2.13(14), members of their immediate family, providers of temporary care authorized under 321 CMR 2.13(17), veterinarians licensed under M.G.L. c. 112, Environmental Police Officers, and employees of the Division.

Rehabilitate means the provision of care and treatment to sick, injured, debilitated, or orphaned wildlife for the purpose of returning such animals to the wild in a condition which enables them to survive independent of human aid and sustenance.

Wildlife: non-domesticated amphibians, reptiles, birds, and mammals.

Wildlife Rehabilitator or Permittee: a person who has been issued a permit, or who has been exempted from the permit requirement in accordance with the provisions of 321 CMR 2.13 for the purpose of providing care, aid, and treatment to sick, injured, debilitated, or orphaned wildlife with the goal of returning such wildlife to the wild independent of human aid or sustenance.

Wildlife Rehabilitation Permit: a permit issued pursuant to 321 CMR 2.13, including a provisional wildlife rehabilitation permit and such equivalent permit as may have been issued by the Division prior to the publication of 321 CMR 2.13 in the Massachusetts Register.

321 CMR 2.13(19)

(19) Periodic Recertification. Except as provided for in 321 CMR 2.13(15)(a) proof of participation in a wildlife rehabilitation seminar, workshop, or training session approved by the Director, at least once in every three consecutive years shall be required for continued renewal of a wildlife rehabilitation permit. Failure to complete such periodic recertification by December 31 of the third calendar year following the most recent renewal, or issuance of the initial permit, whichever is most recent, shall result in non-renewal of the permit until such time as the recertification requirement is satisfied.

321 CMR 2.14(1)

2.14: Problem Animal Control

(1) Purpose. The purpose of 321 CMR 2.14 is to control problem animals. In accordance with M.G.L. c. 131, § 4, problem animal control agents may harass, take, and destroy, or may release or liberate as stipulated in 321 CMR 2.14(20), such problem animals as are set forth in 321 CMR 2.14(20). Problem animal control agents may also disturb, remove, or destroy dens, lodges, burrows,

or nests of such problem animals on property of such persons as who have engaged the services of the problem animal control agent. Nothing in 321 CMR 2.14 shall allow or be construed to allow the propagation of wildlife contrary to 321 CMR 2.12 or the rehabilitation of wildlife contrary to 321 CMR 2.13.

(2) Definitions. For the purposes of 321 CMR 2.14 and unless the context requires otherwise, the following words or phrases shall have the following meanings:

Box or Cage Type Trap means a trap that confines the whole animal without grasping any part of the animal.

Conibear Type Trap means "Conibear" model traps and similar body-gripping traps and devices, whether or not enclosed in or comprising part of a box, tube, or other enclosing device.

Control means to harass, take, or destroy, or attempt to harass, take, or destroy; placing, setting, and tending of traps and similar capture devices; disturbing, removing, or destroying, or attempting to disturb, remove, or destroy dens, lodges, burrows, or nests; and to possess, transport, or liberate or attempt to possess, transport, or liberate problem animals.

Director means the Director of the Massachusetts Division of Fisheries and Wildlife, or his or her agents.

Division means the Massachusetts Division of Fisheries and Wildlife.

Employees of a Municipal Entity shall include permanent or provisional full-time or part-time paid employees whose principal duty is that of animal control, but shall not include consultant or contract employees or volunteers or employees whose principal duty is not that of animal control.

Environmental Police Officer or EPO means the Director of the Office of Law Enforcement, deputy directors of enforcement, chiefs of enforcement, deputy chiefs of enforcement, environmental police officers, and such other enforcement officers of the Office of Law Enforcement as may be appointed pursuant to M.G.L. c. 21A, § 10C.

Fur-bearing Mammals means all mammals in the Class Mammalia, as defined in M.G.L. c. 131, § 1.

Gender means, unless the context requires otherwise, that words of one gender may be construed to include the other gender and the neuter.

Municipal Entity means towns and cities incorporated as political subdivisions of the Commonwealth of Massachusetts.

Person means an individual, corporation, partnership, trust, association or other private entity or any officer, agent, department or instrumentality of the federal government or any state or its political subdivisions, including but not limited to any agency, department, board, commission or authority thereof.

Problem Animals means non-domesticated reptiles, birds, and mammals the actions of which have or are endangering the life and health of humans or domestic animals; damaging the property of a person except grass or other natural vegetation growing without cultivation and which is not harvested or otherwise put to material use by the owner or tenant thereof; obstructing the reasonable and comfortable use of property by the owner or tenant thereof and which cannot be abated in another fashion; or otherwise producing such material annoyance, inconvenience, and discomfort that can reasonably be presumed to result in damage or hurt to persons or their property.

Problem Animal Control Agent or Permittee means a person who has been issued a permit in accordance with the provisions of 321 CMR 2.14 for the control of problem animals and further including but not limited to those persons exempted from the permit requirement pursuant to 321 CMR 2.14(15).

Problem Animal Control Permit means a permit which shall have been issued by the Division pursuant to 321 CMR 2.14.

Site of Capture means the parcel of land on which the problem animal was captured and which is owned or leased by the person who controlled the problem animal or who engaged a problem animal control agent to effect such control.

321 CMR 2.15(1)

2.15: Importation, Liberation, and Transportation of Fish, Amphibians, Reptiles, Birds, and Mammals

(1) Definitions. For the purposes of 321 CMR 2.15 and unless the context requires otherwise, the following words or phrases shall have the following meanings:

Bird means any bird, wild by nature, not otherwise exempted in the list found at 321 CMR 9.01 and shall additionally include the nest and eggs thereof.

Cervid(s) means any deer, moose, or elk or any other species in the family Cervidae, and including parts thereof.

Director means the director of the Division of Fisheries and Wildlife or his agent.

Division means the Massachusetts Division of Fisheries and Wildlife.

Environmental Police Officer means the director of the Office of Law Enforcement, deputy directors of enforcement, chiefs of enforcement, deputy chiefs of enforcement, environmental police officers, and such other enforcement officers of the Office of Law Enforcement as may be appointed pursuant to M.G.L. c. 21A, § 10A.

Fish means any freshwater fish not otherwise exempted in the list found at 321 CMR 9.01 and shall additionally include the spawn and viable eggs thereof.

Permit means an importation permit, or a liberation permit, issued pursuant to M.G.L. c. 131, §§ 19 and 19A, and 321 CMR 2.15.

Person means an individual, corporation, partnership, trust, association or other private entity or any officer, agent, department or instrumentality of the federal government or any state or its political subdivisions, including but not limited to any agency, department, board, commission or authority thereof.

Wildlife means non-domesticated amphibians, reptiles, birds, and mammals.

REGULATORY AUTHORITY

321 CMR 2.00: M.G.L. c. 131, §§ 4, 19 and 19A.